

Indiana Michigan  
Power Company  
One Summit Square  
P.O. Box 60  
Fort Wayne, IN 46801  
219 425 2111

59365

RECEIVED  
OCT 10 1990



SUPERFUND PROGRAM  
MANAGEMENT BRANCH

Ms. Debbie Fript  
USEPA, Region V  
Emergency Support Section 5HS-12  
230 South Dearborn Street  
Chicago, IL 60604

September 28, 1990

Dear Ms. Fript:

RE: Himco Landfill  
Elkhart, Indiana

This letter is written in response to the USEPA's general notice of potential liability letter to Indiana Michigan Power Company (I&M) received on September 14, 1990, signed by Robert J. Bowden, informing I&M that it may be a potentially liable party at the Himco site. I&M is willing to cooperate with USEPA in connection with the remediation of the Himco site, as indicated by the Site Access Agreement provided to USEPA March 30, 1990.

Your letter states, however, that I&M "may have generated or transported hazardous substances that were disposed of at the site." We believe this is an inaccurate supposition by USEPA. As stated in I&M's May 22, 1989, response to an earlier CERCLA information request, the company concluded after a diligent search for records and documents that there was no basis for believing that the company ever disposed of hazardous substances, pollutants or contaminants at the Himco facility. To date, I&M has no further information from our own investigations or from USEPA indicating any basis for I&M's liability at the site as a generator or transporter.

I&M is the owner of a 3.8 acre parcel of land adjacent to the Himco facility, but, again, to the best of our knowledge, no hazardous substances, pollutants or contaminants were disposed of on that parcel prior to the purchase by I&M or during I&M's ownership. Under the circumstances, I&M contends that ownership interest in the 3.8 acre parcel is an insufficient basis for imposition of CERCLA liability for the adjacent Himco facility.

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If you have further questions or if we can be of further assistance, please contact me at (219)425-2118 or in writing at the above address.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Donald L. Baker".

Donald L. Baker  
Environmental Affairs Director

DLB/KDM/sdb



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